

REMARKS

The Office Action mailed September 17, 2008, has been carefully studied. The claims in the application are now claims 2-6, 8-15, 25-30 and 32-34, with claims 35 and 36 (the only claims rejected on the basis prior art) having been deleted above. Again, no prior art rejections have been imposed against the remaining claims, and applicants respectfully repeat their understanding that the remaining claims are considered by the PTO to define novel and unobvious subject matter under Sections 102 and 103. Applicants respectfully request favorable reconsideration and allowance.

The major issue remaining in the present application, and upon which all or substantially all the rejections appear to be based, revolves about a correction in the translation of applicants' specification at page 9 changing the word "with" to the word "without", such amendment having been made in the Reply filed May 17, 2006. The evidence previously filed of the propriety of this corrective amendment has not been accepted by the examiner, noting the paragraph spanning pages 3 and 4 and the full paragraph on page 4 of the Office Action mailed September 17, 2008. Apparently, as understood, the examiner demands "a declaration from a certified translator attesting to the alleged mistranslation."

Filed herewith is a Declaration under 37 CFR 1.132 in the name of Mr. Yoichi Nakayoshi, one of the professional

translators at the well-known Japanese firm of Yuasa and Hara, and a copy of page 36 of the Yuasa and Hara brochure which lists Mr. Nakayoshi as a member of the linguistic staff.

Mr. Nakayoshi states in his attached Declaration that he is an authorized professional translator of technical material from Japanese to English, and that the original translation of the specification at page 9, starting at line 9 "unequivocally ... contains an error..., which error changes the meaning 100%."

Mr. Nakayoshi then confirms that the correct translation involves replacement of the erroneous word "with" with the correct word "without".

Accordingly, Mr. Nakayoshi's attached translation, executed March 12, 2009, confirms the correctness of the amendment to the specification made on May 17, 2006.

The new matter rejection of claims 2-6, 8-15, 25-30 and 33-36 under the first paragraph of Section 112 (as not conforming to the "description" requirement) has been repeated. This rejection is again respectfully traversed for the reason of record, respectfully repeated by reference, further confirmed by the attached Declaration of Mr. Nakayoshi, as explained above.

Thus, the amendment to the translation into English of applicants' specification filed May 17, 2006 is correct, is not new matter, and the claims do comply with the written description requirement.

Withdrawal of the rejection is in order and respectfully requested.

The rejection of claims 2-6, 8-15, 25-30 and 32-34 under the second paragraph of Section 112, has been repeated. This rejection is again respectfully traversed for the reasons of record, respectfully repeated by reference, and now supported by the attached Declaration of Mr. Nakayoshi, as explained above.

Points (a) and (b) of the rejection are based on the assumption that the aforementioned corrective amendment to the specification made on May 17, 2006, was unsupported. The attached Declaration of Mr. Nakayoshi shows that such amendment was correct. The recitation of the Z value should be clear, and the language of the claims is fully supported by applicants' specification.

As regards point (c), applicants do not understand why the examiner does not accept the Jepson language. Applicants know of no requirement that the improvement clause of a Jepson claim must focus on only one feature.

Nevertheless, in order to obviate this problem, claims 30, 32, 33 and 34 have been amended to remove the Jepson language.

Withdrawal of the rejection is in order and is respectfully requested.

Claims 35 and 36 have been rejected as anticipated by certain specified prior art.


These claims are deleted above, so applicants need not address these rejections at the present time.

Applicants have now addressed above all the issues raised in the Official Action. Applicants believe and respectfully submit that all rejections are obviated or overcome, and that applicants' claims should be allowed. Such allowance is respectfully requested. Nevertheless, if any problems remain, applicants respectfully request the courtesy of a telephone call from the examiner so that any such remaining problems can be discussed and resolved by examiner's amendment.

Respectfully submitted,

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